

03500.016121



PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: )  
MUNEKI ANDO ) : Examiner: Unassigned  
Application No.: 10/054,895 ) : Group Art Unit: Unassigned  
Filed: January 25, 2002 ) :  
For: IMAGE DISPLAY APPARATUS ) August 19, 2002

Box Missing Parts  
Commissioner for Patents  
Washington, D.C. 20231

**RECEIVED**  
AUG 22 2002  
**OFFICE OF PETITIONS**

PETITION UNDER 37 C.F.R. §1.181 OR  
CONDITIONALLY UNDER 37 C.F.R. §1.137(a) AND  
M.P.E.P. §711.03(c) TO WAIVE EXTENSION OF TIME FEE

Sir:

Applicant hereby petitions the Commissioner to waive the extension of time fee required to respond to the outstanding Notice to File Missing Parts because such Notice mailed by the U.S. Patent and Trademark Office was never received by the Applicant. This Petition is accompanied by:

1. A Declaration under M.P.E.P. §711.02 of Scott D. Malpede; and
2. A Declaration under M.P.E.P. §711.02 of Howard S. Greenberg,

together with an exhibit of docketing records concerning due dates for Patent Office filings for the relevant periods in the above-identified application.

### FACTS

On or about August 1, 2002, the undersigned's law firm first became aware of an outstanding Notice to File Missing Parts in connection with the subject application. The existence of the Notice was discovered during a routine status check of the subject application on the U.S. Patent and Trademark Office's computerized PAIR system (and a copy of such notice was subsequently obtained). The Notice bears a mail date of March 18, 2002. However, the Notice mailed from the U.S. Patent and Trademark Office was never received by the Applicant, as evidenced by the attached Declarations of Scott D. Malpede and Howard S. Greenberg. The Applicant, therefore, was not aware of any requirement to file a response until such time that the Notice was retrieved from the official file in early August of 2002.

### REQUEST

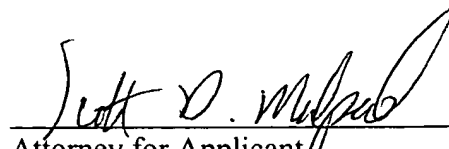
Accordingly, the Commissioner is hereby requested to waive the extension of time fee and accept the concurrently-filed Response to Notice to File Missing Parts as timely filed.

### FEE

The Commissioner is hereby authorized to charge Deposit Account No. 06-1205 for any petition fee which may be due. However, since Applicant believes that the abandonment occurred through no fault of his own, no fee should be due.

Applicant's undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,

  
\_\_\_\_\_  
Attorney for Applicant  
Scott D. Malpede  
Registration No. 32,533

FITZPATRICK, CELLA, HARPER & SCINTO  
30 Rockefeller Plaza  
New York, New York 10112-3801  
Facsimile: (212) 218-2200

SDM\lmj\eyw

DC-MAIN 105954 v1